

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE SEIZURE OF ONE     )  
18K ROSE GOLD AUDEMARS PIGUET ROYAL     )  
OAK CHRONOGRAPH WRISTWATCH AND     )     M.B.D. No. 23-MC-91339  
ONE 8-INCH MEN’S DIAMOND BRACELET,     )  
BOTH SEIZED ON DECEMBER 7, 2022     )

**ASSENTED-TO MOTION TO EXTEND DEADLINE  
FOR THE UNITED STATES TO FILE CIVIL FORFEITURE COMPLAINT**

The United States of America, by its attorney, Joshua S. Levy, Acting United States Attorney for the District of Massachusetts, pursuant to 18 U.S.C. § 983(a)(3)(A), respectfully requests an extension of time to file a civil complaint against the following seized property:

- a.     one 18k Rose Gold Audemars Piguet Royal Oak Chronograph wristwatch; and
- b.     one 8-inch men’s diamond bracelet

(collectively, the “Property”).

A proposed Order to Extend Time to File Civil Forfeiture Complaint is submitted herewith. The United States, in support of this motion, states as follows:

1.     The Drug Enforcement Administration (“DEA”) seized the Property from Richard Barnett, Jr. and commenced administrative forfeiture proceedings.

2.     On or about March 9, 2023, the DEA received a claim from a third party claimant, Ryan Shea (the “Claimant”), asserting an interest in the Property.

3.     No other person has filed a claim to the Property as required by law in the nonjudicial civil forfeiture proceeding, and the time within which to file such claims has expired. *See* 18 U.S.C. § 983(a)(2)(A)-(E).

4.     On April 3, 2023, the DEA transmitted the claim received in the nonjudicial civil forfeiture proceedings for the Property to the United States Attorney for the District of Massachusetts, for the purpose of initiating a judicial forfeiture action against the Property.

5. 18 U.S.C. § 983(a)(3)(A)-(C) states:

(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

(B) If the Government does not -

(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

(ii) before the time for filing a complaint has expired -

(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. If criminal forfeiture is the only forfeiture proceeding commenced by the Government, the Government's right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

6. Pursuant to 18 U.S.C. § 983(a)(3)(A)-(C), unless the time is extended by the Court for good cause or upon agreement of the parties, the United States is required to file a complaint for forfeiture against the Property no later than June 7, 2023.

7. On November 18, 2022, the United States filed a criminal complaint charging Richard Barnett, Jr. with Conspiracy to Distribute 400 Grams or More of a Mixture or Substance Containing Fentanyl. *See* 22-mj-1480-DLC.

8. The Court may extend the time to file a civil forfeiture action upon agreement of

the parties or good cause shown. Prior to filing this motion, the government conferred with Thomas Kerner, Esq., about obtaining an agreed upon extension, who indicated that the parties assented to a 90-day extension.

9. If the United States fails to file a complaint for forfeiture by June 7, 2023, it may not take any further action to effect the civil forfeiture of the Property.

10. The United States requests an extension of time up to and including September 5, 2023, to further review information in this matter and because there is a pending criminal investigation related to this seizure that may result in the government obtaining a criminal indictment or information containing an allegation that the Property is subject to forfeiture.

WHEREFORE, the United States respectfully requests that the Court grant its request and extend the deadline to file a civil forfeiture complaint for an additional 90 days, or up to and until September 5, 2023.

Respectfully submitted,

JOSHUA S. LEVY  
Acting United States Attorney

By: /s/ Carol E. Head  
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Dated: June 1, 2023

**CERTIFICATE OF SERVICE**

I, Carol E. Head, Assistant United States Attorney, certify that the foregoing motion filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and electronically to Thomas Kerner, Esq.

/s/ Carol E. Head  
CAROL E. HEAD  
Assistant United States Attorney

Dated: June 1, 2023